

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

ROGER JEROME JACKSON,

Case No. 19-CV-2880 (NEB/ECW)

Plaintiff,

v.

ORDER ACCEPTING REPORT AND
RECOMMENDATION

MARSHA MCMILLEN and
BARBARA J. HARRINGTON,

Defendants.

The Court has received the November 25, 2019 Report and Recommendation of United States Magistrate Judge Elizabeth Cowan Wright. [ECF No. 3 (“R&R”).] The R&R recommends that this matter be dismissed without prejudice, and that Plaintiff Roger Jackson’s application to proceed in district court without prepaying fees or costs be denied. (*Id.* at 4.) After the R&R was issued, Jackson filed two letters to the Court. [ECF Nos. 4, 5.] The letters reiterate Jackson’s request to be freed from civil commitment, but do not specifically object to the R&R or advance any legal argument or authority.

Upon the filing of a report and recommendation by a magistrate judge, a party may “serve and file specific written objections to the proposed findings and recommendations.” Fed. R. Civ. P. 72(b)(2); *accord* D. Minn. L.R. 72.2(b). “The district judge must determine *de novo* any part of the magistrate judge’s disposition that has

been properly objected to.” Fed. R. Civ. P. 72(b)(3). “The objections should specify the portions of the magistrate judge’s report and recommendation to which objections are made and provide a basis for those objections.” *Woolery v. Peterson*, No. 16-CV-1745 (JRT/FLN), 2016 WL 6916801, at *1 (D. Minn. Nov. 22, 2016) (quoting *Mayer v. Walvatne*, No. 07-CV-1958 (JRT/RLE), 2008 WL 4527774, at *2 (D. Minn. Sept. 28, 2008)). “Objections which are not specific but merely repeat arguments presented to and considered by a magistrate judge are not entitled to *de novo* review, but rather are reviewed for clear error.” *Id.* at *1 (quoting *Montgomery v. Compass Airlines, LLC*, 98 F. Supp. 3d 1012, 1017 (D. Minn. 2015)). Courts have also found that a magistrate judge’s recommendations may be reviewed as if no objections were filed when a party does not cite any reason why the magistrate judge’s determination was incorrect, nor any basis for the court to reach a different outcome. *See, e.g., Reed v. Curry Concrete Const., Inc.*, No. 10-CV-4329 (JRT/LIB), 2011 WL 2015217, at *2 (D. Minn. May 23, 2011).

Jackson’s letters merely repeat his request to be freed from civil commitment, and thus, are not proper objections to the R&R. The Court therefore reviews the R&R for clear error. The Court finds that Magistrate Judge Wright did not clearly err in recommending that the Court (1) dismiss this matter without prejudice pursuant to *Younger v. Harris*, 401 U.S. 37 (1971), and (2) deny the application to proceed in district court without prepaying fees or costs.

Finding no clear error, and based upon all the files, records, and proceedings in the above-captioned matter, IT IS HEREBY ORDERED THAT:

1. The Report and Recommendation [ECF No. 3] is ACCEPTED;
2. The action is DISMISSED WITHOUT PREJUDICE; and
3. Plaintiff's Application to Proceed in District Court without Prepaying Fees or Costs [ECF No. 2] is DENIED.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: December 13, 2019

BY THE COURT:

s/Nancy E. Brasel
Nancy E. Brasel
United States District Judge